

HURWITZ & FINE, P.C.
ATTORNEYS AT LAW

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May 16, 2022

VIA ECF

The Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, New York 10007

Re: *J.C. v. Zimmerman*, 22-cv-323-KPF

Dear Judge Polk Failla:

I represent Defendant Bob Dylan in this action. I write to respectfully request the Court issue an order directing Plaintiff and her counsel to comply with the parties' discovery obligations in this action.

Defendant served his First Requests for Production and First Interrogatories on March 18, 2022. Plaintiff's responses were due on April 18, 2022. Plaintiff's counsel, Mr. Isaacs, emailed me the afternoon of March 18 to say that Plaintiff would "have responses to your demands within the next two weeks." We did not oppose Plaintiff's demand for an extension to Monday, May 2.

On Thursday, April 28, I wrote Mr. Isaacs to confirm that I could expect Plaintiff's discovery responses by the following Monday, May 2, and to inquire about Plaintiff's HIPAA-authorizations, which were also due on April 18. Mr. Isaacs confirmed that he would "have the authorizations for you by tonight, as I said I would and I will have our initial responses as well by Monday, also as promised."

On Monday, May 2, Mr. Isaacs called me and said that he would need an additional day to get us Plaintiff's discovery responses, but that we could expect them on May 3. On May 3, Mr. Isaacs wrote to me again to say that he would have the discovery responses to us by May 4.

HURWITZ & FINE P.C.

The Honorable Katherine Polk Failla
May 16, 2022
Page 2

On May 5, Mr. Isaacs wrote to me again to say that he was “working away.” On May 6, I wrote to Mr. Isaacs to remind him of this Court’s instruction at the March 18, 2022 conference that the parties complete discovery on the timeline specified in the Case Management Order. Mr. Isaacs replied on May 6 to say that he would be meeting with Plaintiff the next day.

On Monday, May 9, I wrote to Mr. Isaacs to ask when we could expect Plaintiff’s discovery responses. Mr. Isaacs replied that he had been unable to meet with Plaintiff, but would have the discovery responses to us “in [the] next day or two.” He also informed me that he had traveled to Ghana. On Wednesday, May 11, Mr. Isaacs wrote to me to say that Plaintiff’s responses were “almost done” and that he would “complete tomorrow and forward.” On Friday, May 13, I spoke with Mr. Isaacs on the phone, and he told me he had been in touch with Plaintiff and his co-counsel and would have the discovery responses to us over the weekend.

It is now Monday, May 16, and we have still not received Plaintiff’s discovery responses, despite the fact that they are now nearly a month ago overdue. We are mindful of this Court’s advisement that discovery extensions are not granted lightly, and are concerned that the discovery process is getting off to the wrong start. As such, we respectfully request the Court direct Plaintiff to submit her discovery responses by this coming Friday, May 20, 2022.

Respectfully,

HURWITZ & FINE, P.C.

A handwritten signature in dark ink, appearing to read 'AS', with a long horizontal flourish extending to the right.

Andrea Schillaci

AS/nm

cc via ECF: Daniel William Isaacs, Esq.
Peter Joseph Gleason, Esq.
Orin Snyder, Esq.
Brian C. Ascher, Esq.
Jeremy A. Bunting, Esq.
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